

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte YEVGENIY E. SHTEYN

Appeal No. 2006-2313
Application No. 09/635,549

ON BRIEF

MAILED

SEP 27 2006

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Before THOMAS, HAIRSTON, and RUGGIERO, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 16.

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The disclosed invention relates to consumer apparatus access to data from a server based on a predetermined URL or an identifier associated with the consumer apparatus.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A consumer apparatus responsive to a user-input for initiating retrieval of data from a server under control of a predetermined URL or an identifier therefor associated with the apparatus, the data representing content information about the context of usage of the apparatus.

The reference relied on by the examiner is:

Allan EP 1 017 206 A2 July 5, 2000
(European Patent Application)

Claims 1 through 16 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Allan.

Reference is made to the brief and the answer for the respective positions of the appellant and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the anticipation rejection of claims 1 through 16.

Each of the claims on appeal requires user input of a predetermined URL or an identifier associated with an apparatus for initiating retrieval of data from a server.

Appellant argues inter alia that the single Internet address (i.e., URL) assigned to the apparatus in Allan does not enable the apparatus to retrieve content from a server, and that "[t]he Examiner's rejection would require the apparatus to retrieve data from itself, ignoring the recited limitation of 'retrieval of data from a server'" (brief, page 4).

We agree with appellant's arguments. In Allan, the single URL assigned to an apparatus 14 based on a multiplexing scheme is used to access the Internet 18 for data that is downloaded to the apparatus 14 via a server application device at the home network 10, and is not used to retrieve data from a server (Figure 1; Abstract; paragraphs 0010 and 0030). Allan specifically states (paragraph 0018) that the server application device only "administers the ports [16], forwards data traffic to the specific clients [apparatus] on the basis of port demultiplexing, interdicts client data traffic where appropriate and filters incoming data traffic from the Internet."

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In summary, the anticipation rejection of claims 1 through 16 is reversed because Allan does not use the single URL assigned to the apparatus to "retrieve content" from a server. As indicated supra, the server in Allan is merely a conduit for data retrieved from the Internet. Anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984).

DECISION

The decision of the examiner rejecting claims 1 through 16 under 35 U.S.C. § 102(a) is reversed.

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REVERSED

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Administrative Patent Judge)
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